

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TREEHOUSE AVATAR LLC,

Plaintiff,

v.

VALVE CORPORATION,

Defendant.

CASE NO. C17-1860-RAJ

**ORDER STRIKING TRIAL  
DATE**

This matter is before the Court on Defendant Valve Corporation's motion to vacate and reset the order setting trial date and related dates. Dkt. # 164. Plaintiff opposes the motion. Dkt. # 166. Having reviewed the motion and the remainder of the record, the Court **GRANTS** the motion in part.

Once a district court files a pretrial scheduling order pursuant to Federal Rule of Civil Procedure 16, "that rule's standards control[ ]." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-608 (9th Cir. 1992). As Rule 16(b)(4) explains: "A schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). To show "good cause" a party must show that they could not meet the deadline imposed by the scheduling order despite its diligence. *Johnson*, at 609. While a court may consider the "existence or degree of prejudice" to the opposing party, the focus of the

1 court's inquiry is upon the moving party's explanation for failure to timely move for  
2 leave to amend. *Id.*

3 On March 17, 2020, the United States District Court for the Western District of  
4 Washington issued General Order No. 02-20 to address identified and anticipated impacts  
5 arising from a community outbreak of Coronavirus Disease 2019 (COVID-19). Citing  
6 guidance issued by public health officials, and documented risks to public gatherings and  
7 travel, the Order continued all in-person hearings and trials scheduled prior to June 1,  
8 2020, pending further order of the Court. On April 9, 2020, Defendant filed a motion to  
9 vacate the current trial date and all remaining case schedule deadlines. Defendant  
10 proposes resetting the case schedule once the Western District of Washington courthouse  
11 reopens. Dkt. # 164 at 6. On May 13, 2020, the Court issued General Order No. 08-20,  
12 which extended the aforementioned closures and trial continuances through July 31,  
2020.

13 The Court anticipates a significant backlog of both criminal and civil cases when  
14 the courthouse reopens, and criminal matters will take precedence. Accordingly, the  
15 Court finds good cause to **STRIKE** the current trial date. However, the Court will not  
16 vacate the case schedule as proposed by Defendant. Instead, the parties are ordered to  
17 meet and confer and propose a revised case schedule, **within ten days of the date of this**  
18 **Order**, extending the remaining pretrial deadlines.

19 Dated this 29th day of May, 2020.

20  
21   
22

23 The Honorable Richard A. Jones  
24 United States District Judge  
25  
26  
27